

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA)	Civil Action No. 8:18-CV-0592 (GTS/DJS)
Plaintiff)	
v.)	
)	
2010 Mercedes Benz G4)	
VIN: 4JGBF7BE7AA620733)	
)	
Defendant.)	

VERIFIED COMPLAINT OF FORFEITURE *IN REM*

Plaintiff, United States of America, by its attorneys, Grant C. Jaquith, United States Attorney for the Northern District of New York, and Tamara B. Thomson, Assistant United States Attorney, brings this complaint and alleges as follows in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure.

NATURE OF ACTION

1) This is an action to forfeit and condemn to the use and benefit of the United States of America 2010 Mercedes Benz G4 VIN: 4JGBF7BE7AA620733 (“defendant property”) in violation of 8 U.S.C. § 1324(a).

THE DEFENDANT *IN REM*

2) The defendant 2010 Mercedes Benz G4 VIN: 4JGBF7BE7AA620733 was seized from Habib Muhammed on December 30, 2017 at the Mooers, New York Port of Entry. The defendant property is titled to Habib Muhammed.

3) The defendant property is presently in the custody of the Department of Homeland Security, U.S. Customs and Border Protection.

JURISDICTION AND VENUE

4) Plaintiff brings this action *in rem* in its own right to forfeit and condemn the defendant property. This Court has jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345 and over an action for forfeiture under 28 U.S.C. § 1355(a).

5) This Court has *in rem* jurisdiction over the defendant property under 28 U.S.C. § 1355(b). Upon the filing of this complaint, the plaintiff requests that the Court issue an arrest warrant *in rem* pursuant to Supplemental Rule G(3)(b), which the plaintiff will execute upon the property pursuant to 28 U.S.C. § 1355(d) and Supplemental Rule G(3)(c).

6) Venue is proper in this district pursuant to 28 U.S.C. §§ 1355 and 1395, because the acts or omissions giving rise to the forfeiture occurred in this district.

BASIS FOR FORFEITURE

7) The defendant 2010 Mercedes Benz G4 VIN: 4JGBF7BE7AA620733 is subject to forfeiture pursuant to 8 U.S.C. § 1324(b) which provides for the forfeiture of:

“Any conveyance, including any vessel, vehicle, or aircraft, that has been or is being used in the commission of a violation of subsection (a), the gross proceeds of such violation, and any property traceable to such conveyance or proceeds, shall be seized and subject to forfeiture.”

FACTS

8) The facts alleged in this complaint are based upon information and belief, the sources of which are reports from the U.S. Customs and Border Protection (“CBP”), and other written and oral information officially received by the Office of the United States Attorney for the Northern District of New York.

9) On December 30, 2017, at approximately 12:10 a.m., Habib Muhammed (hereinafter “Muhammed”), presented himself for inspection at the Mooers, New York Port of Entry. Muhammed was the sole occupant and driver of the defendant 2010 Mercedes Benz G4.

10) Muhammed stated that he was a returning U.S. citizen and that he was going to his home in Brooklyn, New York. He explained that he had been in Canada for two nights and had traveled to Montreal to see a friend for business purposes.

11) During the primary inspection, CBP officers noticed multiple bags in the rear of the vehicle inconsistent with a short trip. Muhammed orally declared all items in his vehicle as his own.

12) Muhammed was referred for secondary inspection due to the inconsistencies in his explanations. During the secondary inspection, CBP Officers confronted Muhammed with the amount of baggage in his vehicle. Altering his initial story that the items in the vehicle were his own, Muhammed explained that the baggage belonged to a friend named “Emil”, who had asked him to bring the bags to New York.

13) During the secondary inspection, CBP officers also discovered near the center console of the vehicle a portfolio that contained multiple pages of an Ontario Driver’s License Application in the name of “Avlat Ahmedov, 03/03/88” and a two-part Uzbekistan Driver’s License that was also in the name of Ahmedov.

14) Additionally CBP officers discovered in one of the pieces of luggage a photocopy of a Ukrainian passport issued to “Bahodir Rustamov, 3/17/79”. When the CBP Officer confronted Muhammed with this information, he changed his story again, claiming that the baggage belonged to multiple individuals, and that he was receiving \$150 per bag to bring them to New York City. Muhammed further changed his story stating that two unknown individuals flagged him down on the side of the road and asked him to bring the bags to Brooklyn.

15) CBP Officers observed that the rear floorboard area of the vehicle had wet footprints. When asked by CBP Officers about this, Muhammed changed an earlier statement-that no one had been in the vehicle for five days-and explained that he had forgotten that there had been people in his vehicle the previous day in Montreal.

16) CBP Officers transferred Muhammed to the Champlain Port of Entry to continue their examination.

17) At 1:22 a.m. that same day, United States Border Patrol apprehended two individuals approximately 1.5 miles south of the U.S. Border. It is believed that the individuals crossed into the United States at an area approximately 2.5 miles west of the Mooers, New York Port of Entry and were tracked to the area of their apprehension, which is approximately 3 miles southwest of the Mooer's, New York Port of Entry.

18) At approximately 4:00 a.m., CBP Officers obtained identification of the two individuals to be "Davlat Ahmedov, 03/03/1988" and "Bahodir Rustamov 03/17/1979". These individuals were both nationals of Uzbekistan.

19) At 4:40 a.m. CBP Officers questioned Muhammed regarding his trip to the border. He reiterated that two men gave him the bags during a roadside encounter that occurred before he arrived at the U.S. Border. He informed the CBP Officer that he believed that the two men were attempting to cross the border.

20) At approximately 6:45 a.m. and after waiving his rights under Miranda CBP officers conducted an interview of Mohammed. Muhammed told the officers the following:

a) He resides in Brooklyn, New York.

b) He went to Canada on December 27, 2017, to visit a friend in Montreal and discuss business related to opening a restaurant. Muhammed stated that he stayed one night in Montreal and then went to Toronto area where he visited and stayed with friends.

c) He stated that no one had been in the vehicle since he left Brooklyn and he traveled alone from Brooklyn to Canada, while he was in Canada, and from Canada to the U.S. Border.

d) Muhammed claimed that the bags in his vehicle belonged to two unknown individuals that had flagged him down on the side of the road, north of the U.S. Border.

e) He did not know which direction the men were traveling but they convinced him to bring their baggage to their mothers in New York.

f) Muhammed initially claimed that they gave him two bags (a red and black suitcase) and nothing more. When CBP Officers asked him about the portfolio found in the front of his vehicle, Muhammed claimed that he had forgotten that they also handed him a portfolio and that he never looked at it. When asked why he initially claimed all the baggage in the vehicle as his own, he stated that he had did not expect to be searched.

g) CBP Officers asked Muhammed why he crossed at the Mooers, New York POE and he claimed that his GPS routed him there on his way from Toronto to Brooklyn.

h) Muhammed stated that he knew it was illegal to help people enter the country that he would not do that and no one gave him any money.

POTENTIAL CLAIMANTS

21) On February 16, 2018, the U.S. Customs and Border Protection received an administrative claim from Muhammed for the defendant property.

22) Upon information and belief, the following person/s who may claim an interest in the defendant property are not in the military service, are not infants and are not incompetent persons

WHEREFORE, the United States of America prays that process of issue in due form of law, according to the course of this Court in actions *in rem*, against the defendant property and that a warrant issue for the arrest of the defendant as more particularly described herein; that all persons having any interest therein be cited to appear herein and answer the complaint; that a judgment be entered declaring the defendant condemned and forfeited to the United States of America for disposition in accordance with law; that the costs of this suit be paid to and recovered by the United States of America; and that the United States be granted such other and further relief as this Court may deem just and proper.

Dated: May 17, 2018

GRANT C. JAQUITH
United States Attorney

By: /s
Tamara B. Thomson
Assistant United States Attorney
Bar Roll No. 515310

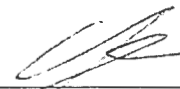
VERIFICATION

STATE OF NEW YORK)
) ss:
COUNTY OF CLINTON)

Jason L. Brault, being duly sworn, deposes and states:

I am an Officer with U.S. Customs and Border Protection. I have read the foregoing Complaint for Forfeiture and assert that the facts contained therein are true to the best of my knowledge and belief, based upon knowledge possessed by me and/or on information received from other law enforcement officers.

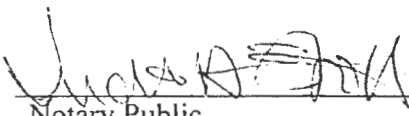
Dated this 17th day of May, 2018.



Jason L. Brault, CBPO
U.S. Customs and Border Protection

Sworn to and subscribed before me this 17th day of May, 2018.

~~STOTT~~
JUDITH A. EXFORD
Notary Public, State of New York
No. 01EX50255-44
Qualified in Clinton County
Commission Expires April 4, 20 22



Notary Public

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

UNITED STATES OF AMERICA

(b) County of Residence of First Listed Plaintiff Albany
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)
Tamara Thomson, Assistant U.S. Attorney (315) 448-0672
United States Attorney's Office, 100 South Clinton Street
Syracuse, New York 13261

DEFENDANTS

2010 Mercedes Benz G4 VIN: 4JGBF7BE7AA620733

County of Residence of First Listed Defendant Clinton
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|--|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated <i>or</i> Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated <i>and</i> Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input checked="" type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition			

V. ORIGIN

(Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
8 USC 1324(b)

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

05/17/2018

s/Tamara B. Thomson

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT Waived APPLYING IFP _____ JUDGE GTS MAG. JUDGE DJS